S.B.CIVIL TRANSFER PETITION NO.8/2006

Smt. Rekha.
vs.
Vijay KrishanJajpura.

DATE OF ORDER ::: 22.11.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. PC Solanki, for the petitioner.

None present for the respondent.

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As per the office report, the summon sent to the respondent through his counsel received duly served. It appears from the report of the summon that the respondent's counsel was offered the summon and he stated that the respondent is not in his contact and he has no phone. He further stated that he is trying to contact the respondent and if the respondent will contact him, then he will inform the respondent about the present transfer petition. Learned counsel has not mentioned that he is no more counsel for the respondent nor he has mentioned that he has withdrawn his power with the leave of the Court.

Since the notice has been served upon the respondent through his counsel as per the order of this Court dated 6.11.2006, therefore, service is complete.

Heard learned counsel for the petitioner.

The petitioner, wife of the respondent, has moved this petition for transfer of the Divorce Petition No.16/2006 (Vijay Krishan vs. Smt. Rekha) pending in the Court of Additional District Judge NO.2, Bikaner to Family Court, Jodhpur.

According to the petitioner, the petitioner is a young lady having small daughter and her parents are old and are suffering from old aged diseases. It is submitted that the distance between Bikaner and Jodhpur is more than 200 kms. The petitioner is having no source of income and totally dependent upon her parents.

The transfer petition was entertained as back as on 3.3.2006 and further proceedings before the trial court were stayed by this Court by order dated 3.3.2006. As per the information provided by learned counsel for the respondent on the notice issued for the date of 13.11.2006, the respondent is fully aware about not only the pendency of this transfer petition but also about interim order passed by this Court and his counsel is also well aware. It appears that the respondent has no objection that if the transfer petition is allowed and, therefore, he is deliberately not appearing. Otherwise also, in the facts and circumstances of the case, this Court is satisfied that the divorce petition filed by the respondent be transferred.

In view of the above, this transfer petition is allowed, the Petition no.16/2006 (Vijay Krishan vs. Smt. Rekha) filed by the respondent pending in the Court of Additional District Judge No.2, Bikaner is hereby withdrawn and is transferred to the Family Court, Jodhpur for deciding the same in accordance with law.

(PRAKASH TATIA), J.

S.Phophaliya